

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIDGET M. CURRAN, individually, and
as natural Guardian of C.F.C., a minor.

Civ. Action No. 13-cv-00289

Plaintiff,

-against-

AETNA LIFE INSURANCE COMPANY,
TRINET GROUP, INC., and THE TRINET
OPEN ACCESS MANAGED CHOICE PLAN,

**DECLARATION OF
ROBERT GALLION
IN SUPPORT OF
DEFENDANTS'
MOTION TO DISMISS**

Defendants.
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I, Robert Gallion, being of full age, hereby declare, pursuant to 28 U.S.C. §1746(2) and 901,
FED. R. EVID., as follows:

1. I am employed by Aetna Life Insurance Company (“Aetna”) as a Complaint and Appeal Analyst. In connection with my job duties in that position, I have access to and have undertaken a review of Aetna’s computer system and files in order to locate the Plan documents, claim documents and correspondence relevant to the claims at issue in this matter. This Declaration is based on my personal knowledge.

2. I make this Declaration to authenticate Aetna’s business records in support of Defendants’ Motion to Dismiss the Complaint in its entirety with prejudice.

3. I understand that the claims at issue in this action relate to services rendered on January 7, 2011 to the minor child of Bridget M. Curran, who was enrolled in the Tri-Net Group, Inc. Open Access Managed Choice Benefit Plan (the “Plan”) under Member Id No. W1844592702. I searched Aetna’s files, after a reasonable inquiry, and state that the Group Policy and Booklet Certificate for Group Health Policy No. GP 811317-FL (the “Booklet”) attached hereto as Exhibit “A” is an accurate version of these documents.

4. I searched Aetna's files, and to the best of my knowledge, after reasonable inquiry, the Explanation of Benefits for the services rendered by Rudolph Taddonio, M.D.'s claims attached hereto as Exhibit "B" are accurate versions of these documents.

5. I searched Aetna's files, and to the best of my knowledge, after a reasonable inquiry, the May 31, 2011 and March 22, 2012 correspondence identified in the Complaint between Plaintiff and Aetna regarding Plaintiff's claim appeals attached hereto as Exhibit "C" are accurate versions of the documents.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 7, 2013

By: 

ROBERT GALLION

CERTIFICATE OF SERVICE

I, John T. Seybert, hereby certify and affirm that a true and correct copy of the attached **DECLARATION** was served via ECF on this 8th day of May, 2013, upon the following:

David J. Squirrell
BANKS, CURRAN, SCHWAY & SQUIRRELL, LLP
61 Smith Avenue
Mount Kisco, NY 10549
Attorneys for Plaintiffs

s/

JOHN T. SEYBERT

Dated: New York, New York
May 8, 2013